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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,890	05/07/2001	Jean-Marc Villaret	10013344-1	9971

7590 06/29/2004

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EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,890

Applicant(s)

VILLARET ET AL.

Examiner

Harish T Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

NOTE: Claims 1-10, abbreviations for EFTPOS and DPS are not defined. However they are defined in claim 11.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-14 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al (hereinafter Nguyen – US 6,304,915).

Re. Claim 1, Nguyen discloses a server communicates bidirectionally with a gateway over a first communication link, over which all service requests are initiated by the server where secure transmission of data is provided from a customer computer system to a merchant computer system [see entire document particularly, Abstract; C1 L1 to C4 L65; C7 L5-L65; C13 L18-L65; C15 L33; C55 L43 to C56 L67; C59 L45 to C66 L10; C75 L13 to C76 L67], assigning an EFTPOS address to an EFTPOS terminal via the non-payment application of the EFTPOS terminal arrangement [Figures 20A-21A; C61 L40 to C62 L13; C94 L34-L41 (multiple threads to be active at the same time)], receiving

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from the external DPS a first data set with an address identifier, the first data set being directed to an EFTPOS terminal using the address identifier [abstract; Fig. 56B # 5654; C62 L41 to C63 L36], converting the address identifier to the EFTPOS address assigned to the EFTPOS terminal via the non-payment application of the EFTPOS terminal arrangement in response to receiving the first data set from the external DPS (translate to appropriate format) [C57 L53 to C57 L53 to C58 L44] and transmitting the first data set to the EFTPOS terminal via the EFTPOS terminal arrangement using the assigned EFTPOS address [C29 L58 to C30 L32; C64 L6-L59].

Re. Claim 2, Nguyen discloses wherein the step of receiving from the external DPS a first data set includes the step of encoding the address identifier to further include a DPS address identifier for the external DPS, wherein the DPS address identifier is used for transmitting the data set from the EFTPOS terminal to the external DPS [C76 L35-L50; C56 L44-67].

Re. Claim 3, Nguyen discloses transmitting a second data set from the EFTPOS terminal via non-payment application of the EFTPOS terminal arrangement to the external DPS in response to receipt of the first data set [C61 L40 to C62 L13; C29 L58 to C30 L32; C64 L6-L59] and converting the EFTPOS address to the address identifier via the non-payment application of the EFTPOS terminal arrangement and transmitting the second data set to the external DPS [C57 L53 to C57 L53 to C58 L44].

Re. Claim 4, Nguyen discloses selecting a product via the non-payment application and offered by the first application on the external DPS after receiving the first data set [C62 L41 to C63 L36], transmitting a set of customer-specific financial account data from the EFTPOS terminal via the payment application of the EFTPOS terminal arrangement to the second application on the financial institution DPS for processing payment for a product [C61 L40 to C62 L13; C29 L58 to C30 L32; C64 L6-L59], and receiving via the EFTPOS terminal arrangement a transaction confirmation from the second application on the financial institution DPS in response to receipt of the financial account data transmission at the second application [C62 L41 to C63 L36; C57 L53 to C57 L53 to C58 L44].

Re. Claim 5, Nguyen discloses means for using a first database of EFTPOS addresses of the EFTPOS terminal arrangement to assign an EFTPOS address to an EFTPOS terminal [fig. 66; C29 L58 to C30 L32; C64 L6-L59], means for receiving from the external DPS a first data set with an address identifier, the first data set being directed to an EFTPOS terminal using the address identifier [abstract; Fig. 56B # 5654; C62 L41 to C63 L36], means for converting the address identifier to the EFTPOS address assigned to the EFTPOS terminal using the first database of the EFTPOS terminal arrangement in response to receiving the first data set from the external DPS [C57 L53 to C57 L53 to C58 L44], and means for transmitting the first data set to the EFTPOS terminal via the EFTPOS terminal arrangement using the assigned EFTPOS address [C29 L58 to C30 L32; C64 L6-L59].

Re. Claim 6, Nguyen discloses transmitting a second data set from the EFTPOS terminal via the EFTPOS terminal arrangement to the external DPS in response to receipt of the first data set [C28 L10-L62; C29 L58 to C30 L32; C64 L6-L59], and converting the EFTPOS address to the address identifier using the first database of the EFTPOS terminal arrangement and transmitting the second data set to the external DPS [C57 L53 to C57 L53 to C58 L44].

Re. Claim 7, Nguyen discloses a proxy server (proxy equipment or gateway server Fig. 23) configured and arranged to be coupled to the plurality of EFTPOS terminals and to receive sets of data from the vendor application via the non-secure channel (internet) and transmit the data sets to selected ones of the EFTPOS terminals, and configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel [Abstract; Figures 23, 63; C2 L60 to C3 L65; C7 L5-33; C62 L41 to C64 L65; C104 L55 to C105-L42].

Re. Claims 8-9, Nguyen discloses wherein the proxy server is configured to assign each of the plurality of EFTPOS terminals a respective EFTPOS address, and the proxy server is further configured to associate the EFTPOS addresses with respective addresses that are addressable via the non-secure channel and translate addresses in the sets of data from the vendor application to EFTPOS addresses and wherein the proxy server is further configured to translate an address from the EFTPOS address to

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a vendor application address and configured to transmit sets of data from the EFTPOS terminals via the non-secure channel to the vendor application [C57 L53 to C57 L53 to C58 L44; C2 L60 to C3 L65; C7 L5-33; C62 L41 to C64 L65; C104 L55 to C105-L42].

Re. Claim 11, Nguyen discloses a plurality of EFTPOS terminals [figures 22-23], and a proxy server coupled to the plurality of EFTPOS terminals, the proxy server configured to receive sets of data from the vendor application via the non-secure channel and transmit the data sets to selected ones of the EFTPOS terminals, and configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel [Figures 21A-27; C75 L42-L62; C77 L32 to C78 L56; 105 L2-L10 - (POSIX)(proxy equipment)].

Re. Claim 12, Nguyen discloses wherein each of the plurality of EFTPOS terminals are assigned respective EFTPOS addresses, and the proxy server is further configured to associate the EFTPOS addresses with respective addresses that are addressable via the nonsecure channel and translate addresses in the sets of data from the vendor application to EFTPOS addresses [C61 L40 to C62 L13; C94 L34-L41; C75 L42-L62; C77 L32 to C78 L56; C104 L55 to C105-L42].

Re. Claim 13, Nguyen discloses wherein the proxy server is further configured to translate an address from the EFTPOS address to a vendor application address and

configured to transmit sets of data from the EFTPOS terminals via the non-secure channel to the vendor application [C75 L42-L62; C77 L32 to C78 L56; 105 L2-L10].

Re. Claims 14, 17-18, Nguyen discloses Internet communication network, wherein the proxy server (Gateway Server) is further configured to transmit and receive sets of data between selected ones of the EFTPOS terminals and a non-vendor application via a non-secure channel, wherein at least one of the plurality of terminals further comprises an interface module that is configured and arranged to facilitate wireless communications between a mobile communications device and the proxy server, and wherein the proxy server is configured and arranged to host one or more payment applications for accessing the financial application of the DPS of the financial institution via the first secure channel, the proxy server is further configured to host one or more non-payment applications for accessing the vendor application of the DPS of the vendor, wherein the payment and non-payment applications of the proxy server are reconfigurable to change the transmission and reception of data sets within the EFTPOS system (Internet access routines and merchant server, and merchant payment processing) [Abstract; Fig. 23; C76 L5 to C77 L64;].

Re. Claim 19, Nguyen discloses a plurality of EFTPOS terminals adapted to process a data set received from the vendor application and from the e-service application via the second non-secure channel (Internet channel) [C75 L14 to C76 L3], and a server arrangement coupled to the plurality of EFTPOS terminals and configured to receive

sets of data from the vendor application via the non-secure channel and transmit the data sets to selected ones of the EFTPOS terminals using an address identifier, the server arrangement configured and arranged to assign a different address identifier to each of the respective EFTPOS addresses of the plurality of EFTPOS terminals and configured to convert the address identifier to one of the assigned EFTPOS addresses and to send the data set to the EFTPOS terminal having the assigned EFTPOS address, the server further configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel [C15 L33 to C16 L56; C62 L41 to C63 L36; C57 L53 to C57 L53 to C58 L44; C29 L58 to C30 L32; C64 L6-L59].

Re. Claim 20, Nguyen discloses wherein the server is further configured to translate an address from the EFTPOS address to a vendor application address and configured to transmit sets of data from the EFTPOS terminals via the non-secure channel to the vendor application [C59 L45 to C61 L42].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen.

Re. Claims 10, 15-16, Nguyen discloses Internet communication network and wherein the proxy server further comprises an interface module configured and arranged to transmit data sets to selected ones of the EFTPOS terminals (gateway server # 2330) [Fig. 23]. Nguyen does not disclose explicitly wherein the proxy server further comprises an interface module configured and arranged to transmit data sets to selected ones of the EFTPOS terminals and configured and arranged to facilitate wireless communication between a mobile communications device and the proxy server, and wherein the proxy server is configured and arranged to facilitate wireless communication between a mobile communications device and the EFTPOS system via the interface module. However, wire-less communication is well known in computer and communication and satellite industries to allow digital cellular phones and other wireless devices to access Internet and other information services (example: wire less phone connected to Central office (CO) – Examiner has worked, in 1994-1998, with Motorola wireless system connected to CO using Panasonic switch as and interface and EZ Pass wireless communication interface with computer server). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nguyen and add wireless network capability to allow communication between a computer and another computer or device without wires using Wireless Application protocol (WAP) and use of radio frequencies such as wireless LAN (WLAN).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 6041041 to Ramanathan et al, Mar. 21, 2000 "Method and system for managing data service systems" discloses a system and method for providing integrated management of the availability and performance of a data service system having interdependent functional modules and proxy servers, address assignment servers assigns an address to a user terminal which uniquely identifies the terminal and address translator.

US 6,415,341 to Fry, Sr. et al, Jul. 2, 2002 "Point-Of-Sale Terminal Adopter" discloses a device and method for adapting a computer terminal for connection to at least one external device communicatively couples an adapter to the computer terminal and to the at least one external device. The computer terminal is configured to transmit data and commands to the adapter in a manner prescribed by the computer terminal for communication with external devices. The adapter is configured to detect computer terminal signals and transform selected patterns of the computer terminal signals into instructions and information having a predetermined format for operating the at least one external device.

US 5,745,576 to Abraham et al, Apr. 28, 1998 "Method and Apparatus For Initialization of Cryptographic Terminal" discloses environments and applications that employ one or more terminals that receive data and provide data to a central location or controller. Often it is desired to protect the data that is transmitted from a terminal to the controller. This can be accomplished by encrypting the data prior to transmission.

US 6,145,079 to Mitty et al, Nov. 7, 2000 "Secure electronic transactions using a trusted intermediary to perform electronic services" discloses secure electronic transactions and, more particularly, to electronic transactions that use a trusted intermediary to provide improved privacy, authentication, and non-repudiation and wireless communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Souh can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

6/24/04



JEFFREY PWU
PRIMARY EXAMINER